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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,857	09/30/2003	In E. Moon	EMOON.001RADV1	6196
20995	7590	12/27/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			NGUYEN, TUAN N	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3751	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/674,857

Applicant(s)

MOON, IN E.

Examiner

Tuan N. Nguyen

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9/30/03.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 23 and 25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations "with no further attachment means" on lines 2-3 of claim 23 is considered to be new matter and "a second attachment member" on lines 1-2 of claim 25 is also considered to be new matter that were not recited in the original specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 23-25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 23, the limitation "with no further attachment means" is considered to be a negative limitation. Therefore, it is unclear as to whether the structure exists, what it is, or if it is part of the combination.

With respect to claim 24, it is unclear as to whether the "attachment member" in line 3 of the claim is positioned "in" or "adjacent" the groove because the language "in" and "adjacent" are not considered as equivalent alternative language.

With respect to claim 25, is it unclear as to what structure is being referred to by the limitation "a second attachment member".

With respect to claim 26, the limitation "the channel" on line 2 of claim 26 lacks antecedent basis in the claim; therefore, it is unclear as to what structure is being referred to by that limitation.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (hereinafter Anderson).

In regard to claim 21, Anderson discloses a support member comprising a substantially elongated plate (R) configured to extend across a rear portion of a toilet bowl and to be supported by an upper surface of a rim of the toilet bowl, the plate comprises a depending portion (see Fig. 3) is capable of being configured to generally correspond to the curvature of the rim at the rear portion of the toilet bowl, and an attachment member (about C) in the depending portion, the attachment member configured to receive a tubular member (D) in a selectively-releasable press-fit manner

(see Fig. 1). The introductory statement of intended use and all other functional phrases have been carefully considered but are deemed not to describe any structure patentably distinguishable over the support member that disclosed by Anderson, which is certainly capable of being used in the claim manner.

In regard to claim 22, the elongated plate (R) is sized to straddle a rim of a toilet bowl.

In regard to claim 23, the elongated plate (R) is configured to rest upon the upper surface (16) of the rim of the toilet bowl.

In regard to claim 24, a substantially U-shaped groove (about 41, see Fig. 3) is formed in the depending portion, the groove being sized to receive the tubular member therein, and the attachment member is disposed in the groove.

In regard to claim 25, as best understood, the Anderson support member comprises a second attachment member (any part along the groove, see Fig. 3).

In regard to claim 26, the support member comprises a front end (see Fig. 1, the left side of the device is considered as front end), and a channel (C) has an inlet (about 42) and an outlet (about 66), and the inlet and outlet are both formed at the front end of the support member.

In regard to claim 27, the plate is capable of being sized and configured to fit substantially below a seat portion of a toilet so that the plate is substantially shielded from contact with fluids by the seat portion since it would be under the seat in a similar fashion as that of the applicant.


**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee, Bass, Silver, Gentz, Berger, and Athwal disclose other bidet attachment support members.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tuan Nguyen  
Primary Examiner  
Art Unit 3751  
7/21/05

TN